

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

## APPEARANCES:

C.A. NO. 04CV11125NG

CHARLES LANGONE, AS FUND MANAGER OF THE NEW  
ENGLAND TEAMSTERS AND TRUCKING INDUSTRY PENSION  
FUND,CATHERINE M. CAMPBELL, ESQ.  
FEINBERG, CAMPBELL & ZACK, P.C.  
177 MILK STREET  
BOSTON, MA 02109  
Counsel for the Plaintiff

Plaintiff

vs.

PETER V. TEKIPPE, ESQ.  
CASEY AND THOMPSON, P.C.  
8 NORTH MAIN STREET, SUITE 204  
ATTLEBORO, MA 02703  
Counsel for the DefendantsSTAMPRETE OF RHODE ISLAND, STAMP CRETE OF RHODE  
ISLAND, INC., AND STAMPED CONCRETE, INC.,  
Defendants

DEPOSITION OF MICHAEL T. PEZZA, taken  
pursuant to Notice under the applicable  
provisions of the Federal Rules of Civil  
Procedure, on behalf of the Plaintiff, before  
Alice M.S. DesVergnes, R.P.R., a Notary Public  
in and for the Commonwealth of Massachusetts,  
at the office of Casey and Thompson, P.C.,  
Eight North Main Street, Suite 204, Attleboro,  
MA 02703, commencing on Wednesday, September  
22, 2005, at 9:00 a.m.

NEAL A. SALLOWAY - COURT REPORTERS  
FIVE CARDIGAN ROAD  
WEST PEABODY, MA 01960  
(781) 581-3993 (978) 535-0313 FAX (978) 535-0142 - 3

NEAL A. SALLOWAY - COURT REPORTERS  
FIVE CARDIGAN ROAD  
WEST PEABODY, MA 01960  
(781) 581-3993 (978) 535-0313 FAX (978) 535-0142 - 4

## 1                   I N D E X

2                   DEPONENT                   DIRECT

3                   MICHAEL T. PEZZA

4                   By Ms. Campbell           4

## 5                   E X H I B I T S

6                   EXHIBIT NO.           DESCRIPTION           PAGE NO.

7                   1           3 Annual Reports for Materials   15  
8                   Equipment Corp.  
9                   2           2003 Annual Report for Granite   19  
10                   Asphalt Corp.  
11                   3           7-pgs. Annual Reports of Stamp   27  
12                   Crete of Rhode Island, Inc.  
13                   3           3-pg. Annual Reports for       39  
14                   Stamped-Concrete  
15                   5           Responses to Plaintiff's       64  
16                   Interrogatories  
17                   6           2-pgs. Copies of checks from   86  
18                   LCP Corp.

## 1                   S T I P U L A T I O N S

2                   It is hereby stipulated and  
3                   agreed by and between counsel for the  
4                   respective parties that all objections, except  
5                   as to form, are reserved until the time of  
6                   trial, including motions to strike.

7                   It is further stipulated and  
8                   agreed that the reading and signing of the  
9                   deposition are waived.

10                   MICHAEL T. PEZZA, having duly  
11                   affirmed that his testimony will be the truth,  
12                   the whole truth, and nothing but the truth and  
13                   having produced his Massachusetts driver's  
14                   license for identification purposes, testified  
15                   as follows in answer to direct interrogatories  
16                   by Ms. Campbell:  
17                   Q    Mr. Pezza, my ma'am is Catherine Campbell and I  
18                   represent the New England Teamsters and  
19                   Trucking Industry Pension Fund. Have you ever  
20                   had your deposition taken before?  
21                   A    No.  
22                   Q    I'm going to ask you a series of questions and  
23                   just a couple of ground rules. Let me finish

1 the question before you answer because it's  
2 easier for the court reporter, and if there's  
3 any question that you don't understand, let me  
4 know and I'll rephrase it as best I can, but if  
5 you do answer, I'm going to assume you  
6 understand the question, okay?

7 And the last thing is you just need to  
8 answer verbally rather than nod or --

9 A Oh, okay. Sorry. It's all new for me.

10 Q Make sense?

11 A Yup.

12 Q Would you state your name and address?

13 A Michael Pezza, 10 Leonard Drive, North  
14 Smithfield.

15 Q Where is it?

16 A North Smithfield.

17 Q North Smithfield. Okay.

18 A My own address is Harrisville. We don't have a  
19 post office.

20 Q So do you have a P.O. box for a mailing  
21 address?

22 A No, instead of North Smithfield it's  
23 Harrisville. And it goes to Harrisville Post

1 Office and they deliver it from there, but the  
2 property is in North Smithfield.

3 Q So if the address was -- the letter was sent to  
4 you --

5 A Harrisville.

6 Q Harrisville. All right. And your Social  
7 Security Number?

8 A 028-37-1586, but I have to check on that with  
9 my license. I don't know it off the top of my  
10 head.

11 Q It's on your license?

12 A It's on my license.

13 Q Okay. Tell me again. 028-37-

14 A 1586.

15 Q 1586. Are you married?

16 A Yes.

17 Q Your spouse's name?

18 A Lynn.

19 Q Any children?

20 A Two girls.

21 Q Minors?

22 A Three and a year and a half.

23 Q Very minor. Can you just give me a brief

1 synopsis of your education, sort of when you  
2 graduated from high school?

3 A I graduated from Cranston West Vocational, '86.  
4 And that was as far as I went.

5 Q Do you have any particular licenses, building  
6 license?

7 A I'm in the operating engineers which is Local  
8 57.

9 Q So have you been through an apprentice program?

10 A Yup.

11 Q Can you give me your employment history, and  
12 I'll give you a choice. You can either start  
13 with the earliest and go forward or go  
14 backwards.

15 A Well, I worked for my father like pretty much  
16 until about a year ago then I went to work for  
17 Fleet Construction.

18 Q Really. I know Fleet Construction. All right.  
19 So right from high school you began working for  
20 your father?

21 A Yup.

22 Q All right. What was the first job that you  
23 had? What was the name of the company and what

1 did you do there?

2 A C. Pezza and Son.

3 Q Yup.

4 A And I was an operator.

5 Q What did you operate?

6 A Heavy equipment, bulldozers, backhoes.

7 Q Anything?

8 A Paver.

9 Q What was your job position at C. Pezza?

10 A I was just an employee that, you know, I was an  
11 employee but I had the same last name so, you  
12 know, I kind of was in -- but I was as payroll,  
13 I was an employee.

14 Q Did you have any additional duties since you  
15 have the same last name than running the  
16 machinery?

17 A Working a little, making sure we needed money  
18 on the job, you know.

19 Q So you had some supervisory?

20 A Yeah.

21 Q And how long did you work for C. Pezza?

22 A Oh, right through it went out of business.

23 Q So that would be when?

1       they were shareholders or not.  
2   Q   And right up until 2005, your father's listed  
3       as the only officer.  
4   A   Right.  
5   Q   Is that correct?  
6   A   Well, as of now, he is in the process of  
7       selling it to me and my wife.  
8   Q   In the process?  
9   A   Well, yeah, I believe we already did the  
10      paperwork.  
11   Q   What paperwork was that?  
12   A   As far as he was signing stuff over and --  
13   Q   Can you just tell me what that means, "to sign  
14      stuff over"?  
15   A   I guess, he is, he basically wants to retire  
16      and get out, so I'm taking the business, I'm  
17      doing the physical part of it and my wife's  
18      doing the paperwork part of it. I don't have a  
19      date on when we did the paperwork. I know we  
20      did it a couple months ago.  
21   Q   And can you give me the details of the sale,  
22      you did some paperwork?  
23   A   Yes.

1   Q   Did you offer a price for the business?  
2   A   There was a price that was set.  
3   Q   Do you know what that is?  
4   A   No, I don't. I honestly don't.  
5   Q   Have you paid it?  
6   A   My wife would know that part. I don't do  
7       paperwork part. I do the physical part.  
8   Q   Did you talk to your father about --  
9   A   I went into an office like this. We signed  
10      some papers.  
11   Q   But you never discussed the purchase price?  
12   A   No, no. I don't know what the purchase price  
13      is on paper.  
14   Q   Is there a purchase price?  
15   A   I don't know. I honestly don't know. That's  
16      my wife's department. That is not my  
17      department.  
18   Q   Okay. And do you consider yourself the owner  
19      of the company at this point?  
20   A   I consider me and my wife the owner of the  
21      company.  
22   Q   Both of you?  
23   A   Yup.

1   Q   How about officers, do you know who --  
2   A   I don't think there is any.  
3   Q   There are no officers?  
4   A   There's just me and her.  
5   Q   Well, you could be officers.  
6   A   Okay, I could be an officer.  
7   Q   But you don't know if you are?  
8   A   It's not my department. Not my department.  
9   B   Basically, I guess, you sign this paperwork,  
10      vice-president and president, and now an  
11      officer is --  
12   Q   One of those, vice-president, president,  
13      secretary and treasurer; those are the four  
14      choices.  
15   A   Okay. Okay. So I guess between me and my wife  
16      we would be split up between those four?  
17   Q   Is that -- I don't know.  
18   A   I don't know either.  
19   Q   You would have to tell me.  
20   A   I don't know that. If you want, I could have  
21      brought my wife with me and she could have  
22      answered all them. I didn't know.  
23   Q   Now, according to the Secretary of State, this

1       company was started in 2003.  
2   A   Okay.  
3   Q   And is the business that Stamped-Concrete is  
4       doing any different than the business that  
5       Stamped Crete of Rhode Island -- Stamp Crete of  
6       Rhode Island was doing?  
7   A   No.  
8   Q   Same thing?  
9   A   Same.  
10   Q   Basically?  
11   A   Yeah. It's like sand and stone. They deliver  
12      sand and stone, so it's the same thing.  
13      Stamping concrete, you stamp concrete.  
14   Q   Were the customers for Stamp Crete of Rhode  
15      Island the same customers?  
16   A   We do home owners, so you're always have a new  
17      homeowner. You never deal with a contractor or  
18      anything like that, no.  
19   Q   So it's a short-term --  
20   A   Yes. Three days, four days, in and out.  
21   Q   And were you -- have you received any money  
22      from Stamped-Concrete?  
23   A   Payroll.



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

*Office of the Secretary of State*

**Matthew A. Brown**  
*Secretary of State*

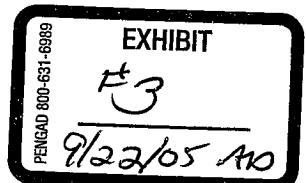
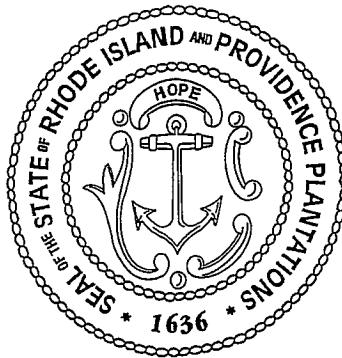
*Date: July 12, 2005*

*Stamp Create of Rhode Island, Inc.  
(Annual Reports 2000-2004 - 6 pages)*

*A TRUE COPY WITNESSED UNDER THE SEAL OF THE  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS*

*Secretary of State*

*By Lily E. Carruth*





## PROFIT CORPORATION ANNUAL REPORT FOR THE YEAR

2004

Filing Period: January 1 - March 1 • Filing Fee: \$50.00

(FORM MUST BE TYPED OR PRINTED IN BLACK)

1. Corporate ID No. 108143	2. Name of Corporation Stamp Crete of Rhode Island, Inc.		
3. Street Address Principal Business Office 100 Irons Avenue		City Johnston	State RI
4. Business Phone No. (401) 231-6014		5. State of Incorporation RHODE ISLAND	
7. Brief Description of the Character of Business Conducted in Rhode Island TO PURCHASE CEMENT AND PROCESS IT SO AS TO MAKE CONCRETE; EXCAVATE AREAS WHERE CONCRETE IS TO BE BEPOURED, SELLING AND OTHERWISE DEALING WITH CONCRETE AND RELATED SUBSTANCES			
8. NAMES AND ADDRESSES OF THE OFFICERS: ("X" BOX FOR ATTACHMENT) <input type="checkbox"/> FILL IN SPACES BEFORE USING ATTACHMENTS			
President Name Leonard A. Pezza		Vice President Name Leonard A. Pezza	
Street Address 100 Irons Avenue		Street Address 100 Irons Avenue	
City Johnston	State RI	Zip 02919	City Johnston
Secretary Name Leonard A. Pezza	Treasurer Name Leonard A. Pezza		
Street Address 100 Irons Avenue		Street Address 100 Irons Avenue	
City Johnston	State RI	Zip 02919	City Johnston
9. NAMES AND ADDRESSES OF THE DIRECTORS: ("X" BOX FOR ATTACHMENT) <input type="checkbox"/> FILL IN SPACES BEFORE USING ATTACHMENTS			
Director Name		Director Name	
Street Address		Street Address	
City	State	Zip	City
Director Name	Director Name		
Street Address		Street Address	
City	State	Zip	City
10. SHARES AUTHORIZED ("X" BOX FOR ATTACHMENT) <input type="checkbox"/>			
AUTHORIZED SHARES			
Number of Shares	Class/Series	Par Value	Number of Shares
600 COMM NO PAR VALUE			420
			Common
			No par value
11. SHARES ISSUED ("X" BOX FOR ATTACHMENT) <input type="checkbox"/>			
ISSUED SHARES			
Number of Shares	Class/Series	Par Value	

This report must be signed in ink by either the President, Vice President, Secretary, Assistant Secretary, Treasurer, Receiver or Trustee



\* 1 0 8 1 4 3 \*

File Date

3/2/04

Check No.

003006

By:

L

FOR SECRETARY OF STATE USE ONLY

Under penalty of perjury, I declare and affirm that I have examined this report, including any accompanying schedules and statements, and that all statements contained herein are true and correct.

Signature of Officer

Leonard A. Pezza

Print or Type Name of Officer

President

Title of Officer

Date



STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS  
Office of the Secretary of State

Matthew A. Brown, Secretary of State

Corporations Division

100 North Main Street, Providence, RI 02903-1335

401.222.3040

A M E N D E D

**PROFIT CORPORATION ANNUAL REPORT FOR THE YEAR 2003**

Filing Period: January 1 - March 1 • Filing Fee: \$50.00

(FORM MUST BE TYPED IN BLACK)

1. Corporate ID No.	2. Name of Corporation			
*108143*	Stamp Crete of Rhode Island, Inc.			
3. Street Address Principal Business Office		City	State	Zip
100 IRONS AVENUE		JOHNSTON	RI	02919-
4. Business Phone No.		5. State of Incorporation		
4012316014		RHODE ISLAND		
6. SIC Code				
0				
7. Brief Description of the Character of Business Conducted in Rhode Island				
TO PURCHASE CEMENT AND PROCESS IT SO AS TO MAKE CONCRETE; EXCAVATE AREAS WHERE CONCRETE IS TO BE BE POURED, SELLING AND OTHERWISE DEALING WITH CONCRETE AND RELATED SUBSTANCES.				
8. NAMES AND ADDRESSES OF THE OFFICERS (X" BOX FOR ATTACHMENT) <input type="checkbox"/> FILL IN SPACES BEFORE USING ATTACHMENTS				
President Name		Vice President Name		
LEONARD A. PEZZA		LEONARD A. PEZZA		
Street Address		Street Address		
100 IRONS AVENUE		100 IRONS AVENUE		
City	State	Zip	City	State
JOHNSTON	RI	02919	JOHNSTON	RI
Secretary Name	Treasurer Name			
LEONARD A. PEZZA	LEONARD A. PEZZA			
Street Address		Street Address		
100 IRONS AVENUE		100 IRONS AVENUE		
City	State	Zip	City	State
JOHNSTON	RI	02919	JOHNSTON	RI
9. NAMES AND ADDRESSES OF THE DIRECTORS (X" BOX FOR ATTACHMENT) <input type="checkbox"/> FILL IN SPACES BEFORE USING ATTACHMENTS				
Director Name				
Street Address		Street Address		
100 IRONS AVENUE		100 IRONS AVENUE		
City	State	Zip	City	State
JOHNSTON	RI	02919	JOHNSTON	RI
10. SHARES AUTHORIZED (X" BOX FOR ATTACHMENT) <input type="checkbox"/> 11. SHARES ISSUED (X" BOX FOR ATTACHMENT) <input type="checkbox"/>				
AUTHORIZED SHARES		ISSUED SHARES		
Number of Shares	Class/Series	Par Value	Number of Shares	Class/Series
600 COMM NO PAR VALUE			420	COMMON
				NO PAR VALUE

This report must be signed in ink by either the President, Vice President, Secretary, Assistant Secretary, Treasurer, Receiver or Trustee



\* 1 0 8 1 4 3 \*

APR 28 2003

By C/MF

Under penalty of perjury, I declare and affirm that I have examined this report, including any accompanying schedules and statements, and that all statements contained herein are true and correct.

Signature of Officer

LEONARD A. PEZZA

Print or Type Name of Officer

PRESIDENT

Title of Officer

Date

4-24-03

**108143* 4/21/03 2:56:34 PM
File Date
Check No.
By:
FOR SECRETARY OF STATE USE ONLY



**PROFIT CORPORATION ANNUAL REPORT FOR THE YEAR 2003**

*Filing Period: January 1–March 1 • Filing Fee: \$50.00*



*(FORM MUST BE TYPED OR PRINTED IN BLACK)*

1. Corporate ID No.

108143

2. Name of Corporation

Stamp Crete of Rhode Island, Inc.

3. Street Address Principal Business Office

100 Irons Avenue

City

Johnston

State

RI

Zip

02919

4. Business Phone No.

401-231-7033

5. State of Incorporation

RHODE ISLAND

6. SIC Code

0

7. Brief Description of the Character of Business Conducted in Rhode Island

To purchase & process concrete for stamping of designs

8. NAMES AND ADDRESSES OF THE OFFICERS ("X" BOX FOR ATTACHMENT) FILL IN SPACES BEFORE USING ATTACHMENTS

President Name

Michael T. Pezza

Vice President Name

Robert A. Pezza

Street Address

10 Leonard Drive

Street Address

19 Factory Pond Circle

City

Harrisville

State

RI

Zip

02830

City

Smithfield

State

RI

Zip

02828

Secretary Name

Cynthia M. Mansolillo

Treasurer Name

Cheryl A. Greco

Street Address

51 Summit Drive

Street Address

110 Westonia Lane

City

Cranston,

State

RI

Zip

02920

City

Warwick,

State

RI

Zip

02889

9. NAMES AND ADDRESSES OF THE DIRECTORS ("X" BOX FOR ATTACHMENT) FILL IN SPACES BEFORE USING ATTACHMENTS

Director Name

None

Director Name

Street Address

Street Address

City

State

Zip

City

State

Zip

Director Name

Director Name

Street Address

Street Address

City

State

Zip

City

State

Zip

10. SHARES AUTHORIZED ("X" BOX FOR ATTACHMENT)

AUTHORIZED SHARES

Number of Shares

Class/Series

Par Value

600 COMM NO PAR VALUE

11. SHARES ISSUED ("X" BOX FOR ATTACHMENT)

ISSUED SHARES

Number of Shares

Class/Series

Par Value

420

Common

No Par

This report must be signed in ink by either the President, Vice President, Secretary, Assistant Secretary, Treasurer, Receiver or Trustee



\* 1 0 8 1 4 3 \*

1-17-03

80

File Date:

UP

Check No.:

FOR SECRETARY OF STATE USE ONLY

Under penalty of perjury, I declare and affirm that I have examined this report, including any accompanying schedules and statements, and that all statements contained herein are true and correct.

1-7-03

Michael T. Pezza

Print or Type Name of Officer

President

Title of Officer

5

Form 650 12/02



**PROFIT CORPORATION ANNUAL REPORT FOR THE YEAR 2002**

Filing Period: January 1-March 1 • Filing Fee: \$50.00

(FORM MUST BE TYPED IN BLACK)

1. Corporate ID No. 2. Name of Corporation

108143

Stamp Crete of Rhode Island, Inc.

3. Street Address Principal Business Office

100 Irons Avenue

4. Business Phone No.

(401)231-6014

5. State of Incorporation

RHODE ISLAND

City

State

Zip

Johnston

RI

02919

6. SIC Code

0

7. Brief Description of the Character of Business Conducted in Rhode Island

To purchase and process concrete for stamping of designs.

8. NAMES AND ADDRESSES OF THE OFFICERS ("X" BOX FOR ATTACHMENT) FILL IN SPACES BEFORE USING ATTACHMENTS

President Name

Michael T. Pezza

Street Address

10 Leonard Drive

City

Harrisville

State

RI

Zip

02830

Vice President Name

Robert A. Pezza

Street Address

19 Factory Pond Circle

City

Smithfield

State

RI

Zip

02828

Secretary Name

Cynthia M. Mansolillo

Street Address

51 Summit Drive

City

Cranston

State

RI

Zip

02920

Treasurer Name

Cheryl A. Greco

Street Address

110 Westonia Lane

City

Warwick,

State

RI

Zip

02889

9. NAMES AND ADDRESSES OF THE DIRECTORS ("X" BOX FOR ATTACHMENT) FILL IN SPACES BEFORE USING ATTACHMENTS

Director Name

None

Street Address

City

State

Zip

Director Name

Street Address

City

State

Zip

Street Address

City

State

Zip

Director Name

Street Address

City

State

Zip

10. SHARES AUTHORIZED ("X" BOX FOR ATTACHMENT)

AUTHORIZED SHARES

Number of Shares

Class/Series

Par Value

600 COMM NO PAR VALUE

11. SHARES ISSUED ("X" BOX FOR ATTACHMENT)

ISSUED SHARES

Number of Shares

Class/Series

Par Value

420

Common

No par

his report must be **signed in ink** by either the President, Vice President, Secretary, Assistant Secretary, Treasurer, Receiver or Trustee



\* 1 0 8 1 4 3 \*

1-3-02

1257

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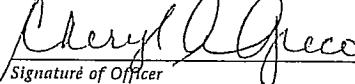
File Date:

1-02-02

Date

Check No.:

Under penalty of perjury, I declare and affirm that I have examined this report, including any accompanying schedules and statements, and that all statements contained herein are true and correct.

  
Signature of Officer

Cheryl A. Greco

Print or Type Name of Officer

Treasurer

Title of Officer

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## PROFIT CORPORATION ANNUAL REPORT FOR THE YEAR 2000

Filing Period: January 1-March 1 • Filing Fee: \$50.00

(FORM MUST BE TYPED IN BLACK)

1. Corporate ID No. 2. Name of Corporation

108143 Stamp Crete of Rhode Island, Inc.

3. Street Address Principal Business Office

100 Irons Avenue

4. Business Phone No.

(401) 231-6014

7. Brief Description of the Character of Business Conducted in Rhode Island

To purchase & process concrete for stamping of designs

8. NAMES AND ADDRESSES OF THE OFFICERS ("X" BOX FOR ATTACHMENT) FILL IN SPACES BEFORE USING ATTACHMENTS

President Name

Michael T. Pezza

Street Address

10 Leonard Drive

City Harrisville

State RI

Zip

02830

Secretary Name  
Cynthia M. Mansolillo

Street Address

51 Summit Drive

City Cranston

State RI

Zip

02920

9. NAMES AND ADDRESSES OF THE DIRECTORS ("X" BOX FOR ATTACHMENT) FILL IN SPACES BEFORE USING ATTACHMENTS

Director Name

None

Street Address

City

State

Zip

City

State

Zip

Director Name

Street Address

City

State

Zip

City

State

Zip

10. SHARES AUTHORIZED ("X" BOX FOR ATTACHMENT)

AUTHORIZED SHARES

Number of Shares Class/Series Par Value

600 COMM NO PAR VALUE

11. SHARES ISSUED ("X" BOX FOR ATTACHMENT)

ISSUED SHARES

Number of Shares Class/Series Par Value

420

Common

No Par

This report must be signed in ink by either the President, Vice President, Secretary, Assistant Secretary, Treasurer, Receiver or Trustee



\* 1 0 8 1 4 3 \*

1/10/00

10/8

File Date:

Check No.:

By:

FOR SECRETARY OF STATE USE ONLY

Under penalty of perjury, I declare and affirm that I have examined this report, including any accompanying schedules and statements, and that all statements contained herein are true and correct.

*Michael T. Pezza* Pers 114100  
Signature of Officer Date

Michael T. Pezza

Print or Type Name of Officer

President

Title of Officer